

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NEW YORK



In re:

**FLOUR CITY BAGELS, LLC<sup>1</sup>,**

**Debtor.**

: Case No. 16-20213  
: Chapter 11 Case

X

**Class 4 Ballot for Accepting or Rejecting  
Modified Second Amended Joint Plan Under Chapter 11**

United Capital Business Lending, n/k/a Bridge Funding Group, Inc. ("United Capital"), Bruegger's Franchise Corporation, Bruegger's Enterprises, Inc., LDA Management Company, Inc., and Le Duff America, Inc. (collectively, "Bruegger's"), Canal Mezzanine Partners II, LP ("Canal"), and Flour City Bagels, LLC ("Flour City" or the "Debtor") (United Capital, Bruegger's, Canal and the Debtor are referred to herein as the "Plan Proponents") filed a Modified Second Amended Joint Plan Under Chapter 11 dated July 6, 2017 (the "Plan") for the Debtor in this Case. The Court has approved a Modified Second Amended Disclosure Statement with respect to the Plan (the "Disclosure Statement"). The Disclosure Statement provides information to assist you in deciding how to vote your Ballot. If you do not have a Disclosure Statement, you may obtain a copy from Jeffrey A. Dove, Esq., Menter, Rudin & Trivelpiece, P.C., 308 Maltbie Street, Suite 200, Syracuse, New York 13204-1439 or [jdove@menterlaw.com](mailto:jdove@menterlaw.com).

Court approval of the Disclosure Statement does not indicate approval of the Plan by the Court.

**You should review the Disclosure Statement and the Plan before you vote. You may wish to seek legal advice concerning the Plan and your Claim classification and treatment under the Plan. Your Claim has been placed in Class 4 under the Plan. If you hold Claims or Interests in more than one Class, you will receive a Ballot for each Class in which you are entitled to vote.**

**If your Ballot is not received in hard copy by:**

**The Clerk of the Court  
U.S. Bankruptcy Court  
for the Western District of New York  
U.S. Federal Building  
100 State Street  
Rochester, New York 14614**

<sup>1</sup> The last four digits of the Debtor's federal tax identification number are 9515.

or filed on the Court's docket through the electronic case filing (ECF) system so as to be actually received by August 7, 2017, and if such deadline is not extended, your vote will not count as either an acceptance or rejection of the Plan. Electronic submission of Ballots by any method other than through the Court's ECF system is not permitted and any Ballot received in that manner will not be counted.

If the Plan is confirmed by the Bankruptcy Court, it will be binding on you whether or not you vote.

**Acceptance or Rejection of the Plan**

The undersigned is the holder of a Class 4 Claim against the Debtor in the unpaid amount of \$187,540.34<sup>2</sup> Pre-filing debt \$154,406.43 unpaid rent before filed \$21,817.00 unpaid taxes (triple net lease) \$500.00 unpaid water bill.

**Item 1. Vote.** The undersigned, a holder of a Claim in Class 4 of the Plan against the Debtor as of the Voting Record Date in the amount set forth above votes to (check one box):

<input checked="" type="checkbox"/> <b>ACCEPT</b> the Plan.	<input type="checkbox"/> <b>REJECT</b> the Plan.
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Plus \$116,816.91 unpaid rent from date of lease termination till sale of building (? payable to include)

The undersigned holder elects to:

**ACCEPT** the Third-Party Release provisions in Section 10.4 of the Plan.

**Item 3. Acknowledgments.** By signing this Ballot, the undersigned acknowledges receipt of the Disclosure Statement and the other applicable solicitation materials and certifies that the undersigned is the claimant or has the power and authority to vote to accept or reject the Plan on behalf of the claimant. The undersigned understands that, if this Ballot is otherwise validly executed but does not indicate either acceptance or rejection of the Plan, this Ballot will be counted as having been cast to accept the Plan.

<sup>2</sup> For voting purposes only; subject to tabulation rules.

David L. Gundell Jr  
Name  
David L. Gundell Jr  
Signature

If by Authorized Agent, Name and Title

Name of Institution  
21 Warwick Drive  
Street Address  
Fairport, NY 14450  
City, State, Zip Code  
Telephone Number  
585-737-1400 (cen)  
Date Completed  
7/29/2017